

Important information for candidates in The Herald's Popular Election on page 4.

COURT HAS NO DOUBT IN THE MIND THAT THE SWEEEPING CHARACTER OF DECISION IN TOBACCO TRUST CASE AROUSES GREAT INTEREST.

LAWYERS NOW AT WORK UPON APPEAL PAPERS

JUDGES ARE MORE INCLINED TO INTERPRET LAW AGAINST THE TRUSTS.

New York, Nov. 14.—The sweeping character of the recent decision of the United States circuit court in declaring the American Tobacco company to be a combination in restraint of trade is attracting widespread attention in business circles and among members of the legal profession who have given special attention to the trust question, not so much for its immediate effect on the tobacco industry, but more particularly for its scope and effect upon all classes of industrial combinations engaged in interstate trade. An appeal of the decision to the United States supreme court is now in active process of preparation by counsel in the case.

Scope Growing Wider.

There has been a series of judicial interpretations of the Sherman act, both in the federal court and in the United States supreme court, but the consensus of opinion is that the recent decision in the tobacco case gives a definiteness and scope of interpretation far beyond any judicial interpretation heretofore made. The full text of the decision now available, covering forty-four large printed pages, shows the far-reaching nature of this latest interpretation of the law. It also discloses the language of the judges the gradual development of judicial interpretation of the law up to the present time. Justice Brandeis, one of the concurring judges, stating that "since the Knight case (against the sugar refinery) the process has been constantly toward a wider scope of the statutes."

Decision in Knight Case.

The Knight case was the first under the Sherman act to reach the supreme court. It was decided in January, 1895, and held in substance that a combination of refineries to manufacture sugar was not within the act, because manufacture alone is not commerce and therefore not within control of congress. An examination of numerous cases since the Knight case leads to the conclusion, Judge Cox says, that there has been a general tendency towards a broader and more liberal construction of the statutes. In the Northern Securities case, the opinion of the court, written by Justice Brandeis, and formulated certain propositions. Some of these were as follows:

"The anti-trust act embraces and declares to be illegal every contract, combination or conspiracy, in whatever form, of whatever nature and whoever may be the parties to it, which directly or indirectly operates in restraint of interstate or international trade or commerce. The act is not limited to unreasonable restraints, but embraces all direct restraints."

Restraint of Trade.

The natural effect of competition is to increase commerce, and an agreement which has the effect of restraining trade or commerce is contrary to the public interest. To vitiate such an agreement or contract it is not necessary to prove a total suppression of trade. It is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce, or to create a monopoly in such trade or commerce, and to deprive the public of the advantages that flow from free competition."

In the case of Loew versus Lawler, the United States supreme court held that a Sherman act applicable to members of a labor organization who, by means of a contract, had agreed to destroy the business of a manufacturer of hats. The business of a manufacturer of hats, the only distinction between the Knight case and the Loew-Lawler case is that in one case the contract related to the manufacture and sale of sugar, and in the other to the manufacture and sale of hats.

Statutes Defined.

Comparing the foregoing trust decisions with that recently given in the tobacco case shows the development which has taken place in the application of the Sherman act. Judge Lacombe, in his majority opinion, defines the status of the law to be as follows:

"Regarding various trusts and combinations, the several propositions which have been approved by successive majorities of the supreme court this law (Sherman act) is to be construed as prohibiting any contract or combination which directly or indirectly operates in restraint of the country of the services of any small. As thus construed, the statute is revolutionary. By this it is not intended to imply that the construction is incorrect. The act is a well-earned revolution, because in its passage the courts had recognized a restraint of trade, which was not to be unfair, but permissible, although it operated in some measures to restrain competition."

Tendency Toward Trusts.

"By insensible degrees, under the operation of many causes, business, manufacturing and trading alike have more and more developed a tendency towards larger and larger aggregations of capital and more extensive combinations of individual enterprises. It is contended that under existing conditions in that way only can production be increased and cheapened."

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CLAIMS CREDIT FOR PUTTING GAG IN THE MOUTH OF THE PRESIDENT

St. Louis, Nov. 15.—President E. M. Simmons of the National Prosperity association today made public a letter, which he has sent to all members of the association, announcing the completion of its work.

The association, says the letter, presented President Roosevelt from sending any more messages to congress, and the appearance of an attack on large corporations.

The letter of President Simmons, in part, follows:

"The work of the National Prosperity association is finished.

"The object for which it was organized, viz., to hasten the return of prosperity, has been accomplished. Results far better than we had expected were obtained. Among the most important of these was the visit to President Roosevelt which resulted in his not sending any more mes-

SAN FRANCISCO'S EMBARRASSED

Shooting of Heney Will Have the Effect of Purifying the Civic Atmosphere.

WOUNDED MAN DOING WELL

SUICIDE OF HAAS BEING INVESTIGATED BY AUTHORITIES.

San Francisco, Nov. 15.—The condition of Francis J. Heney is still most satisfactory, and the attending surgeons report that he is making excellent progress on the road to recovery. He passed a comfortable night, sleeping most of the time, and rested easily today.

Although the bullet has been located, embedded in the left jaw about an inch in front of the ear, the surgeons have decided not to extract it until Mr. Heney gains more strength, as it has as yet given no cause of trouble.

The swelling in the throat is less than at any time since the patient was taken to the hospital, and he is breathing normally.

Nerve of Wounded Man.

Mr. Heney spent an hour today in the examining room of the hospital, while the surgeons were removing grains of powder from his face and head. While this was going on the wounded man sat upon the table and made jocular remarks.

When told of the mass meeting held last night at Dreamland rink, he showed great interest, and on being informed that his assailant had taken his own life at the county jail, he said:

"It is too bad he did it before giving his reason for shooting me."

Another X-ray photograph of the wounded assistant district attorney's head was taken today in order to get a different view from those taken yesterday.

Suicide of Haas.

The suicide of Morris Haas, who tried to assassinate the noted prosecutor, was the subject of much discussion today, and the police authorities were engaged in trying to ascertain how Haas was able to have concealed the pistol with which he took his life, after he had been thoroughly searched two or three times. Two theories are advanced. One was that he had the pistol hidden in his shoe from the time he attempted to kill Mr. Heney, and it was overlooked by the police.

The other theory, the one that the district attorney's office holds, is that the pistol was passed to Haas while he was confined with his wife and the police guard.

Although Haas was in the county jail, he was in charge of the police department.

Mass Meetings in Churches.

The clergy branch of the League of Justice held two mass meetings today, one at Calvary Presbyterian church, the other at Grace M. E. church. The incidents of the past two days and the course of the graft prosecution were discussed by a number of speakers, clerical and lay.

At the regular services of the churches in the cities surrounding San Francisco bay, references to the tragic events of the week and their lessons were made in the sermons.

The attempt to kill Mr. Heney has had the effect of kindling civic pride, and overcoming indifference and criticism of the prosecution of the bribery-graft cases, and has evoked a determination to support the district attorney in the prosecution to a conclusion of the case, and to rebuke the public service.

It is the intention to proceed tomorrow with the interrupted trial of Abraham Ruef, extra precautions having been taken to prevent a recurrence of violence or disorder.

Mr. Heney's place will be taken by attorneys Matt I. Sullivan and Hiram W. Johnson.

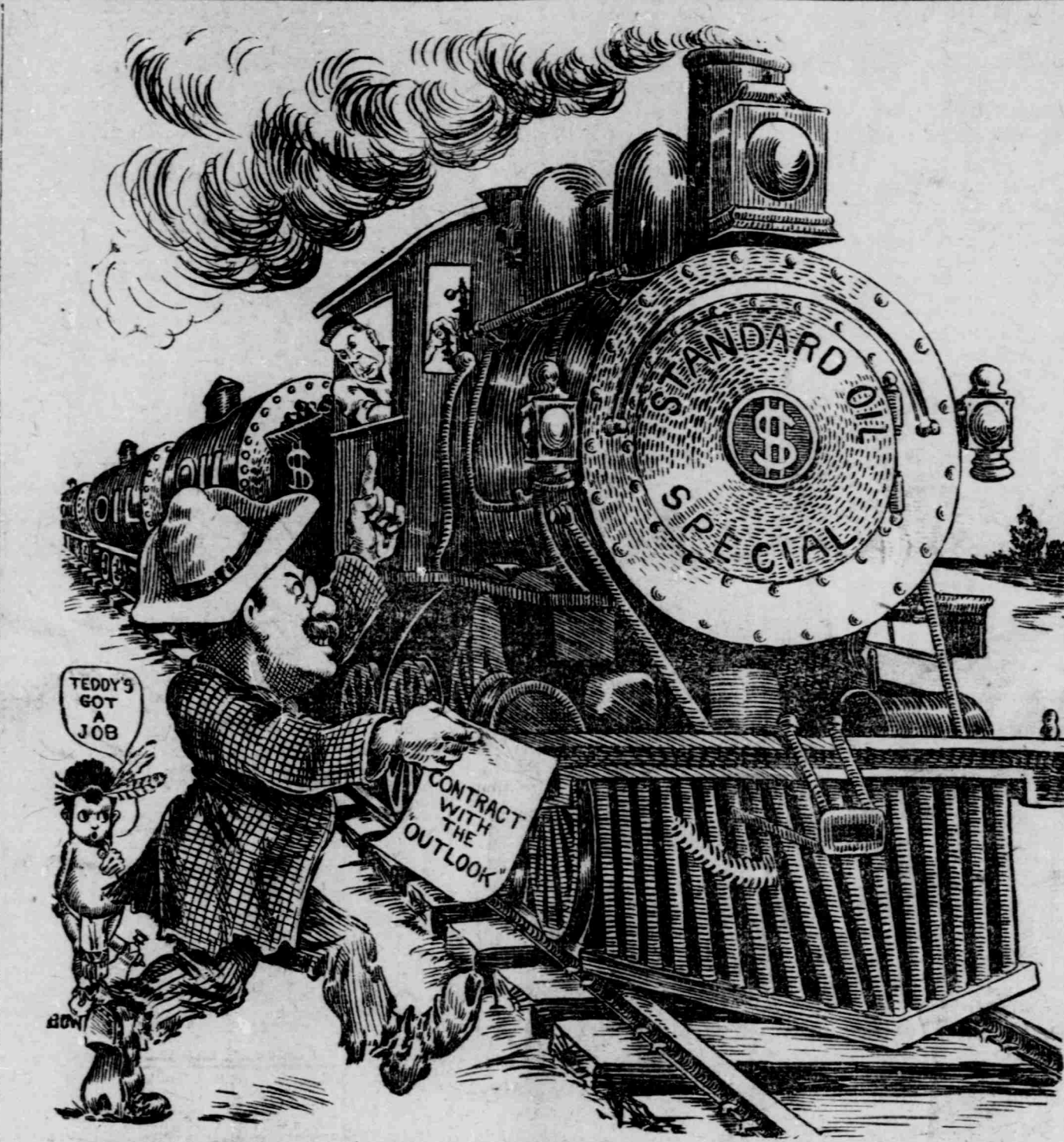
TRAGEDY LONG YEARS AGO

Skeletons of Man and Bear and Barrel of Old-Fashioned Gun Found in Montana.

Missoula, Mont., Nov. 15.—The bleached skeleton of an unknown man, the decayed bones of a monster bear and the barrel of an old-fashioned gun—mysterious evidences of a mortal combat between man and bear years ago—were discovered in a remote section of the Flathead Indian reservation near Dillon a few days ago by a hunting party. The skeleton of the man lay close beside that of the bear, and had gone down to death in a terrific death struggle. All indications point to the fact that the combat must have occurred thirty or thirty-five years ago, as the wooden stock of the gun had rotted entirely away and the gun barrel was of a style in use about that time.

POSTOFFICE ROBBED.

South Bend, Ind., Nov. 15.—Burglars last night plundered the South Bend postoffice of over \$15,000 in stamps. They escaped.



Going to Work.

HARRIMAN WILL EMBARRASSED AND CONTROL POWER DOWNGRADED BY THE PRESIDENT

Rumor That Southern Pacific Will Be Electrified to San Francisco From Sparks.

Reno, Nev., Nov. 15.—It is rumored that the Southern Pacific will electrify its road from Sparks to San Francisco, that E. H. Harriman is behind the Fleischaker interests, and that the Truckee River General Electric company is already in Southern Pacific hands.

The authenticity of the rumor cannot be verified at present, but the news is gleaned from a source usually authentic that Mr. Harriman is trying to control the electric power of this part of the country.

The Truckee River company has passed to the Fleischaker interests and the actual sale should be consummated within a few days. General Manager Baum and Superintendent Nappaly were in Carson City and Virginia last week looking over the old property of the company at those points.

Conferences Being Held.

The men are conferring with the main offices of the Fleischakers in San Francisco and as soon as their report is made, it is expected that the company will be sold and passed over and control established.

That Harriman is behind the Fleischakers is feasible enough when the source of the power of the company is considered. The Truckee river parallels the Southern Pacific tracks from Reno to a point above Floriston. At Floriston is located a power house which generates electricity for Reno, Carson and Virginia. It is expected to install a third rail and electrify the road from Floriston.

Under Harriman Control.

Harriman has just gained control of the Great Western Power company in face of the Gould opposition. The Great Western has been a Gould company and it is said its output was intended for the Western Pacific. Gould's concession to Harriman in return for financial assistance in the construction of the Great Western Pacific contracts with the Great Western have been turned over to Harriman. The Great Western's power plant is located forty miles from the head of the new Southern Pacific tunnel in the Sierras, and a power line to the tracks would be an easy matter. If Harriman intends to run electric over the mountain he could use this power. This power would also be sufficient to furnish the Alameda county, California, suburban lines, which the Great Western is said to have purchased.

The electrification of the Southern Pacific lines from Sparks to San Francisco will greatly decrease the very expensive haul over the high Sierras into California.

KILLED HIMSELF IN JAIL.

Alleged Embezzler Had Both Chloroform and Revolver.

Austin, Nov. 15.—Dr. Von Tiedemann committed suicide this afternoon in the county jail by shooting himself through the head, death ensuing almost instantly.

Dr. Von Tiedemann, who yesterday tried to end his life by inhaling chloroform, procured in some unknown manner, was found in a semi-conscious condition and resuscitated. Afterward he claimed to have used the drug to relieve a headache.

Dr. Von Tiedemann was held charged with embezzlement of postoffice funds amounting to \$4,300. He was to have been taken to Reno in a few days and tried by the federal authorities on the above charge.

The doctor's self-murder was not much of a surprise, as he has been highly nervous and distraught since the discovery of the deficiencies. He protested his innocence to the last and in a letter denounced the postoffice officials.

Official News From Pekin Received by Legation Officials in Washington.

Pekin, Nov. 15.—It is officially announced that the empress of China died at 2 o'clock this afternoon.

Washington, Nov. 15.—The Chinese legation this afternoon received official confirmation of the death of the empress and the empress dowager of China. The emperor died yesterday at 5 o'clock (Saturday) and the empress dowager at 2 o'clock this afternoon.

Both the emperor and the empress will, if precedent be followed, be buried in the imperial mausoleum in the western hills just a few miles from Pekin, with which it is connected by rail. All the rulers of the Manchou dynasty are interred there.

Details of the ceremonies will be arranged by the minister of rites, who has charge of such matters. The transition in the government will be without disorder, everything pertaining to the appointment of the new heads being provided for in an entirely legal and proper form.

PU YI ON THE THRONE.

New Ruler of China an Infant—His Father Regent.

Pekin, Nov. 15.—Tze Hsi An, the dowager empress of China, autocratic head of the government, which she directed without successful interference since 1861, and without protest since 1881, died at 2 o'clock this afternoon.

The announcement of the dowager empress' death was official and followed closely upon the announcement that Kuang Hsi, the emperor, had died yesterday at 5 o'clock in the afternoon, but it is believed the deaths occurred a considerable time before that set down in the official statement.

An edict issued at 8 o'clock this morning placed upon the throne Prince Pu Yi, the 3-year-old son of Prince Chun, the regent of the empire, in accordance with a promise given by the dowager empress soon after the marriage of Prince Chun in 1889.

Legations Notified.

The foreign legations were notified this morning by the foreign board of the death of the emperor and the succession of Prince Pu Yi. Troops have been in readiness for several days to quell any disorders that might arise on the death of Kuang Hsi. The possibility of uprisings was made greater because of the fact that the death of the dowager empress was known to be close at hand. Two divisions of troops have been held in reserve, and these are now stationed in various parts of the city.

Twenty gendarmes were dispatched to guard the legations, but up to the present the duties of the legations have proceeded as usual.

An edict was issued at 10 o'clock this morning that the legation guard was ordered out at "the special call of the legations on account of the emperor's death."

Prince Chun, the regent, has ordered the viceroys and governors to take precautions for the continuation of the administration of the provinces as heretofore, and he has ordered a hundred days of mourning. The court will go into mourning for three years.

City Transformed.

Pekin already has been greatly transformed. All red objects have been removed and blue substituted. The people learned this evening of the death of the dowager empress and although the news here is in no wise emotional they showed that they were profoundly impressed by the passing of their powerful ruler. The foreigners in the city are watching the changes.

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Every Word of Report of Gompers to Be Endorsed by the Federation.

Denver, Nov. 15.—Nearly all the delegates to the twenty-eighth annual convention of the American Federation of Labor today made an excursion to the mountains near Denver as guests of local unions. Frequent reference was made in conversation among the excursionists to the fact that today was the twenty-seventh anniversary of the founding of the organization, now comprising 1,500,000 members, of which Samuel Gompers has been president twenty-six years.

Reports of committees will be the order of the next three or four days in the convention, which will resume its sessions tomorrow, and after discussion will probably develop the future policy of the organization on many important questions.

Will Approve Every Word.

The members of the committee on president's report have unanimously agreed to a report approving every utterance of President Gompers in his annual address, which was read last Monday, and the convention is expected to concur in the report of the committee without discussion. No member of the committee made any objection to President Gompers' report, nor did any member refrain from raising funds for the employment of counsel for the defense in injunction cases, and so far as it is possible after the death of the president, the federation leaders declare that the adoption of this policy will prove more effective in bringing about reform in the injunction laws of the country than any thing else that can be done by organized labor.

Fight Averted.

One of the expected controversies of the convention has been averted by the announcement of President Thomas L. Lewis of the United Mine Workers of America that he was not a candidate for the vice presidency in opposition to John Mitchell, the candidate of the National Labor Union.

It is announced that a fight will be made against the re-election of Daniel J. Keefe, sixth vice president, and member of the executive council, Andrew J. Furuseth, president of the Seamen's union, has been put forward as the candidate against Keefe. No opposition has developed to the re-election of the other members of the council.

TURNED OVER EMBANKMENT

Oakland Furniture Dealer and Guests in Auto Escape Death on the Railroad Track.

San Jose, Cal., Nov. 15.—Six persons were injured, two of them dangerously, today when A. A. Bussey, a prominent Oakland furniture dealer, turned his automobile over an eight-foot embankment to escape crashing into an Oakland-San Jose passenger train at the Wayne crossing on the Millpitas road.

The injured:

Mrs. A. A. Bussey, several ribs fractured, bruises about the body; possible internal injuries.

A. A. Bussey, badly bruised and cut about face and neck.

Mrs. L. E. Horton, probable fractures of several ribs.

Mrs. A. E. Horton, probably broken ribs and internal injuries.

Miss Marqueta Bussey, bruised about body.

Miss Beryl Troxel, arm cut and wrenched.

The 14-months-old baby of Mr. and Mrs. Bussey and the 14-months-old baby of Mr. and Mrs. Horton escaped injury.

THREE CATCHER IS GREATLY PAINED

Sergeant of Mounted Police Robbed of Credentials En Route to Salt Lake.

THINKS HE WAS FOLLOWED

IS AFTER MEMBER OF GANG OF HORSE THIEVES.

Becoming the victim of a thief while engaged in pursuing one was the unique experience that befell Sergeant Major T. G. Jones of the Canadian northwest mounted police yesterday morning, while he was en route to Salt Lake. Although stripped of his identification papers, his fugitive's arrest and his sergeant himself laughed at the ludicrous side of the otherwise serious matter, and acknowledged that the gang he is engaged in breaking up composed of no mean opponents in point of cleverness.

That portion of the mounted police with headquarters at Regina, Canada, has been engaged for some years past in breaking up a desperate band of horse thieves and cattle rustlers headed by a Canadian named Tom Leavon. He was captured some two years ago, but managed to make his escape. Within the past few weeks he was located at Billings, Mont., and under a ruse was returned across the border and recaptured. Probably realizing that his game was up, he turned state's evidence, and told of another prominent member of the gang, a man named Charles Murray, who was supposed to be in Ogden.

Sergeant Jones was sent to Ogden to locate this man, but upon arriving at Ogden he received telegraphic information that Murray was in Salt Lake. Sergeant Jones came on direct to Salt Lake arriving here yesterday morning. Upon reaching his hotel, however, almost the first thing he discovered was that his valises had been tampered with and that he had lost containing his identification papers, warrants and about \$15 in currency had been stolen.

Suspect Is Arrested.

His suspicion quickly fastened on a man who boarded the train at Pocatello and with the assistance of Special Agent Edgley of the Oregon Short Line this man was located and taken to the police station. At first the man defiantly gave his name as "John Doe," but later said he was Miles Gibson. He asserted that he was a stranger in the city, and knew of no one here, and after a thorough questioning it was decided that he could not be held on any charge of complicity in the theft. After his release, however, he was closely watched, and in spite of his declaration that he was a stranger, he was observed to meet at least three men whom he evidently knew well.

From various suspicious incidents during the trip, which are now recalled, Sergeant Jones is convinced that the theft of his papers and money was the work of members or friends of the gang which is now running down. He figures that since the arrest of Leavon the work of the gang has been closely watched, and that his movements and purpose in coming to Salt Lake were known to the gang. If this is true, the gang is well loved during the entire trip, and that when the opportunity was found, his papers and money were stolen from him. Sergeant Jones has wired to Regina for new papers, and in the meantime is continuing his search for a man who also is the man who proved clever enough to elude one of the northwest mounted police.

WILL AWAIT INSTRUCTIONS

Chinese Embassy En Route to Washington to Stop at San Francisco—Now at Honolulu.

Honolulu, Nov. 15.—Ambassador Tang Shao Yi, envoy extraordinary to the United States from the Chinese government, and Prince Tsai Fu, a nephew of the late emperor of China, arrived here from the Orient tonight on the steamer Mongolia, en route to Washington, D. C., where they will present to the president the thanks of the Chinese empire for the remission of the Boxer indemnity.

The party was met at the dock with a military escort composed of two companies of the national guard and two companies of regulars. The national guard was fired in honor of the visitors, and after they had landed they exchanged calls with Governor Frear.

Owing to the death of the Chinese emperor, word of whose demise reached them today, the envoys have decided to proceed only as far as San Francisco, there to await instructions from Peking before resuming their journey to Washington.

It is reported that Secretary Chung to Ambassador Shao Yi, who will be accompanied by Minister Wu at Washington as representative of the Chinese government.

NEVADA RETURNS.

Reno, Nev., Nov. 15.—Complete returns from all but five precincts in Nevada gave Bryan a majority of 530, and Congressman Bartlett 3,581. But one Republican, a university regent, was elected. The legislature on joint ballot is: House, 35 to 15; senate, 12 to 1, Democratic.

NO FRICTION BETWEEN THE UNITED STATES AND JAPAN OVER MANCHURIA

Washington, Nov. 15.—The attention of the administration has again been directed to publications indicating it to be the purpose of the United States government to force Japan's hand with a view to securing assurances regarding her intentions toward Manchuria. A statement was made both at the White House and at the state department that there was no friction with Japan or that such a statement was made. As a matter of fact, all that has been done, as stated in the Associated Press dispatches, was to make an effort to secure a more definite statement from Japan touching her position in Manchuria, she having given more definite assurances to the other countries having interests in Asia than to the United States. The White House statement follows:

"The statement that there has been any friction between the state department and the Japanese government is entirely erroneous. On the contrary, the relations between the two countries."

Undoubtedly a fair degree of success may be made of a retail business without spending a cent for advertising. And a man can walk from New York to San Francisco who would you think of a business man who walked from New York to San Francisco to save railroad fare? And would you regard it as a profitable economy?—Brains.

BLOODY FIGHT WITH NEGRO

Four Men Killed by Desperado Before He Was Shot by Posse.

TEN OTHERS WOUNDED DURING THE CONFLICT

RUMOR OF RACE WAR INDUCED THE GOVERNOR TO ORDER TROOPS TO SCENE.

THE DEAD.

Oklmulgee, Okla., Nov. 15.—Five persons were killed and ten others wounded this afternoon in a fight between Jim Deckard, a negro desperado, and local officers.

The Wounded.

Steve Grayson, Indian boy, fatally.

Vic Farr, chief of police, shot through shoulder.

Deputy sheriff, name not learned, arm broken.

Seven others, slightly wounded.

Policeman Killed.

The disturbance began at the St. Louis & San Francisco railroad station, when Jim Deckard engaged in a fight with an Indian boy, Steve Grayson, and beat him into insubordination with a rock. Friends of Grayson notified the police, and when Policeman Kluber went to the station Deckard fled to his house near by, barricaded himself in and when Kluber approached, Deckard shot and killed him. Sheriff Robinson gathered a posse in a few minutes and hurried to the scene. Part of this posse was made up of a group of negroes, whom the sheriff commissioned as deputies. As the posse approached the house, Deckard opened fire with a rifle, firing as rapidly as he could load his weapon.

Sheriff Shot Down.

Sheriff Robinson fell first, instantly killed. Then the two Chalmers, brothers, negro deputies, were slain. Deckard's house was surrounded by a frenzied mob of armed men. Fire was set to a house just north of that of Deckard, volleys were poured into Deckard's house, and he was shot down. He was seen to roll over on the floor, strike a match and set fire to a box, in which was soon a roaring furnace, in which his body was baked. Deckard evidently was a large man, and a great deal of trouble was caused by the mob, for many cartridges exploded while the house was burning.

Militia Not Needed.

Governor Haskell at Guthrie was notified of the battle and of the bad feeling between the whites and negroes that had grown out of it and threatened a riot. The governor at once ordered the militia company at Muskogee to prepare to go to Okmulgee, and a special train was made ready to carry the troops. The governor remaining at his office to keep in touch with the situation. News of the preparations for the march and the good effect on the disorderly element of both races, and at 7 o'clock tonight the crowd has dispersed and further trouble was not expected.

When it became known that no other negro had assisted Deckard, the militia officers the talk of reprisals subsided.

The Town Patrolled.

A telephone message from Governor Haskell at 10 o'clock tonight says he will not order the Muskogee company to Okmulgee unless he receives to that effect from the local authorities. The local officers are being patrolled by armed men and it is thought morning will find the town restored to its usual quiet.

During the past week district court has been in session at Okmulgee and there has been wholesale conviction of negro bootleggers. Yesterday a protest was made because the white jury convicted the negroes as fast as they came up for trial. A negro woman was to be tried Saturday afternoon and a special jury composed of negroes to try her. She was acquitted. This has caused a bitter race feeling and tomorrow night will be made to quash the panel of negro jurors.

SEARCHING FOR HIS SON.

Dr. Archibald McCullough of Philadelphia in Nevada.

Reno, Nev., Nov. 15.—Dr. Archibald McCullough, a prominent New York and Philadelphia physician, has come to Nevada with his wife and children to start a search for his missing son, Martin, who has been unheard of for two years. The McCulloughs say they will institute a careful quest of the mining camps of the state, hoping to find a trace that will lead to the discovery of their relative.

Martin McCullough, allowed to come west to cure his tendency to grow "wild," was never heard of after reaching Goldfield. A letter from a man who refused to sign his name said that the boy was sick in a Reno rooming house. The letter, on receipt of this letter, hurried here.

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